1	E. SCOTT DOSEK #012114	
2	JOHN P. PASSARELLI #16018 (NE) KUTAK ROCK LLP	
3	Suite 300 8601 North Scottsdale Road	
4	Scottsdale, AZ 85253-2742 (480) 429-5000	
5	Facsimile: (480) 429-5001	
6	Attorneys for Plaintiff / Counterdefendant / Counterclaimant Soilworks, LLC	
7	UNITED STATES DISTRICT COURT	
8	IN AND FOR THE DISTRICT OF ARIZONA	
9	SOILWORKS, LLC, an Arizona	
10	corporation,	NO.: 2:06-CV-2141-DGC
11	Plaintiff / Counterdefendant /	
12	Counterclaimant, v.	SOILWORKS, LLC'S RESPONSE TO MIDWEST INDUSTRIAL SUPPLY, INC.'S MOTION IN LIMINE (DOC.
13	MIDWEST INDUSTRIAL SUPPLY, INC., an Ohio corporation authorized to do business in Arizona,	#107) TO BAR TESTIMONY AND
14		EVIDENCE OF LIABILITY INSURANCE
15	Defendant / Counterclaimant / Counterdefendant.	(Before the Honorable David G. Campbell)
16		
17	At no time during the course of this litigation has Soilworks indicated a desire or	
18	intent to offer into evidence or refer to the fact of Midwest's ownership of a policy of	
19	liability insurance which covers claims asserted by Soilworks. Midwest's Motion in Limine	
20	is therefore unnecessary. Soilworks has no intention of introducing such evidence.	
21	Dated this 24 th day of September, 2008.	
22		KUTAK ROCK LLP
23		
24		By /s E. Scott Dosek E. Scott Dosek, Esq.
25		John P. Passarelli, Esq. 8601 North Scottsdale Road #300
26		Scottsdale, AZ 85253-2742 Attorneys for Plaintiff Soilworks, LLC
27		imorneys for i mining souworks, LDC
28		
	4818-3168-5891.1	

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2008, the foregoing SOILWORKS, LLC'S RESPONSE TO MIDWEST'S MOTION *IN LIMINE* TO BAR TESTIMONY AND EVIDENCE OF LIABILITY INSURANCE was filed electronically. Notice of this filing will be sent to all parties by operations of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s Amy S. Fletcher
Amy S. Fletcher

4818-3168-5891.1